

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT**

JANET PECHER, Individually and as
Special Administrator for the Estate of
Urban Pecher, Deceased,
Plaintiff-Appellant,

No. 16-1799

v.

OWENS-ILLINOIS, INC.
Defendant-Appellee.

] Appeal from the United
] States District Court for
] the Western District of
] Wisconsin.

]

] No. 3:14-cv-00147-wmc

]

] William M. Conley,
] Chief Judge.

]

DIANNE JACOBS, Individually and as
the Special Administrator for the Purposes
of this Lawsuit on Behalf of Decedent
Rita Treutel,
Plaintiff-Appellant,

No. 16-2376

v.

RAPID AMERICAN CORPORATION
Defendant,

and

WEYERHAEUSER COMPANY and
OWENS-ILLINOIS, INC.,
Defendants-Appellees.

] Appeal from the United
] States District Court for
] the Western District of
] Wisconsin.

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] No. 3:12-cv-00899-wmc

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] William M. Conley,
] Chief Judge.

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KATRINA MASEPHOL, Individually and
as Special Administrator on behalf of the
Estate of Richard Masephol,
Plaintiff-Appellant,

No. 16-2377

v.

WEYERHAEUSER COMPANY and
OWENS-ILLINOIS, INC.,
Defendants-Appellees.

] Appeal from the United
] States District Court for
] the Western District of
] Wisconsin.

]

] No. 3:14-cv-00186-wmc

]

] William M. Conley,
] Chief Judge.

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ROBERT SYDOW, Individually and as
Special Administrator for the Estate of
Wesley Sydow, Deceased,
Plaintiff-Appellant,

No. 16-2378

v.

OWENS-ILLINOIS, INC.,
Defendant-Appellee.

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KATHY BOYER, individually and as
Special Administrator of the Estate of
Milton Boyer,
Plaintiff-Appellant,

No. 16-2379

v.

OWENS-ILLINOIS, INC.,
Defendants-Appellees.

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JANICE SEEHAFFER, Individually and as
as Special Administrator for the Estate of
Roger Seehafer; deceased,
Plaintiff-Appellant,

No. 16-2380

v.

WEYERHAEUSER COMPANY and
OWENS-ILLINOIS, INC.,
Defendants-Appellees.

] Appeal from the United
] States District Court for
] the Western District of
] Wisconsin.

]

] No. 3:14-cv-00219-wmc

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] William M. Conley,
] Chief Judge.

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] Appeal from the United
] States District Court for
] the Western District of
] Wisconsin.

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] No. 3:14-cv-00286-wmc

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] William M. Conley,
] Chief Judge.

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] Appeal from the United
] States District Court for
] the Western District of
] Wisconsin.

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] No. 3:14-cv-00161-wmc

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] William M. Conley,
] Chief Judge.

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Appellants' Second Motion to Enlarge the Type-Volume Limitation of Appellants' Brief

Appellants, pursuant to F.R.A.P. 28(d)(2) and the practitioner's handbook, move this Court for an enlargement of the F.R.A.P. 32(a)(7)(B) type-volume limitation of Appellants' Consolidated Brief from 14,000 words to 19,500 words.

Plaintiff-Appellants previously moved this Court to enlarge the type-volume from 14,000 to 40,000 words on September 14, 2016 and were denied on September 16, 2016. (ECF Doc #s 30-1, 30-2, 31.) The 40,000 words was an estimate. Appellants brief is due tomorrow and the new total is an actual amount required based on the near final brief draft despite using best efforts to limit the words to a minimum. A further reduction of the words will affect the completeness and accuracy of the presentation of the six consolidated cases to this court.. The reasons stated in the September 14 motion and affidavit in support of the motion for type-volume enlargement are still applicable and incorporated in this motion by reference.

Appellants file and attach the declaration of Robert G. McCoy to provide additional support for this motion as exhibit 1. The declaration discloses facts which establish that the norm for type-volume limitation is inappropriate for this brief.

Relief Requested

Appellants request that this Court enlarge the type-volume limitation for Appellants' Brief to 19,500 words.

Dated: September 22, 2016

/s/ Robert G. McCoy
Attorney for Plaintiffs-Appellants

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Certificate of Service

I hereby certify that on September 22, 2016, I caused the forgoing to be electronically filed with the United States Court of Appeals for the 7th Circuit using the CM/ECF system which will automatically send all necessary notifications of this filing to CM/ECF participants in this case.

Dated: September 22, 2016

/s/ Robert G. McCoy
Attorney for Plaintiff

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**IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT**

<p>JANET PECHER, Individually and as Special Administrator for the Estate of Urban Pecher, Deceased, Plaintiff-Appellant,</p>	<p>]</p>	<p>Appeal from the United States District Court for the Western District of Wisconsin.</p>
<p>No. 16-1799</p>	<p>v.</p>	<p>No. 3:14-cv-00147-wmc</p>
<p>OWENS-ILLINOIS, INC. Defendant-Appellee.</p>	<p>]</p>	<p>William M. Conley, Chief Judge.</p>
<p>DIANNE JACOBS, Individually and as the Special Administrator for the Purposes of this Lawsuit on Behalf of Decedent Rita Treutel, Plaintiff-Appellant,</p>	<p>]</p>	<p>Appeal from the United States District Court for the Western District of Wisconsin.</p>
<p>No. 16-2376</p>	<p>v.</p>	<p>No. 3:12-cv-00899-wmc</p>
<p>RAPID AMERICAN CORPORATION Defendant,</p>	<p>]</p>	<p>William M. Conley, Chief Judge.</p>
<p>and</p>	<p>]</p>	<p></p>
<p>WEYERHAEUSER COMPANY and OWENS-ILLINOIS, INC., Defendants-Appellees.</p>	<p>]</p>	<p></p>
<p>KATRINA MASEPHOL, Individually and as Special Administrator on behalf of the Estate of Richard Masephol, Plaintiff-Appellant,</p>	<p>]</p>	<p>Appeal from the United States District Court for the Western District of Wisconsin.</p>
<p>No. 16-2377</p>	<p>v.</p>	<p>No. 3:14-cv-00186-wmc</p>
<p>WEYERHAEUSER COMPANY and OWENS-ILLINOIS, INC., Defendants-Appellees.</p>	<p>]</p>	<p>William M. Conley, Chief Judge.</p>

ROBERT SYDOW, Individually and as Special Administrator for the Estate of Wesley Sydow, Deceased, Plaintiff-Appellant,] Appeal from the United] States District Court for] the Western District of] Wisconsin.]
No. 16-2378	v.] No. 3:14-cv-00219-wmc]
OWENS-ILLINOIS, INC., Defendant-Appellee.] William M. Conley,] Chief Judge.]
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KATHY BOYER, individually and as Special Administrator of the Estate of Milton Boyer, Plaintiff-Appellant,] Appeal from the United] States District Court for] the Western District of] Wisconsin.]
No. 16-2379	v.] No. 3:14-cv-00286-wmc]
OWENS-ILLINOIS, INC., Defendants-Appellees.] William M. Conley,] Chief Judge.]
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JANICE SEEHAFFER, Individually and as as Special Administrator for the Estate of Roger Seehafer; deceased, Plaintiff-Appellant,] Appeal from the United] States District Court for] the Western District of] Wisconsin.]
No. 16-2380	v.] No. 3:14-cv-00161-wmc]
WEYERHAEUSER COMPANY and OWENS-ILLINOIS, INC., Defendants-Appellees.] William M. Conley,] Chief Judge.]

**Declaration of Robert G. McCoy in Support of Appellants' Second Motion to Enlarge the
Type-Volume Limitation of Appellants' Brief**

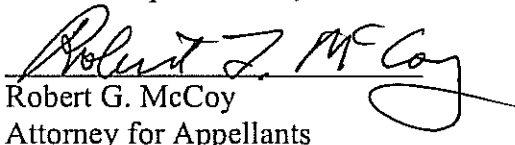
Robert G. McCoy, being over the age of 18, not a party to this action, deposes and states as follows, under the penalty of perjury, that the foregoing is true and correct:

1. I am lead counsel for Appellants in the above captioned consolidated cases and my firm, Cascino Vaughan Law Offices, represents the Appellants.

2. Appellants' Brief and Appendix is currently due in six consolidated cases Friday, September 23, 2016 and the type-volume limitation is 14,000 words.
3. The type-volume limitation norm of 14,000 words is inappropriate because the issues on appeal encompass six district court cases and separate rulings in favor of two defendants. The issues are so complex that an adequate brief cannot reasonably be prepared with a 14,000 word limitation.
4. Appellant counsel had diligently sought to reduce the number of words in the brief. Further reduction of the words in the text will impair the completeness and accuracy of the presentation to this court.
5. With briefing close to complete, it is apparent that an additional 5,500 words are necessary to accurately and thoroughly address the issues on appeal. A breakout of the words necessary for each section of the brief is as follows:
 - i. Jurisdiction, statement of issues, facts procedural history – 8,000
 - ii. Owens-Illinois Dismissal - 2,900
 - iii. Weyerhaeuser Summary Judgment – Exposures in 3 cases - 4,400
 - iv. Private nuisance cause of action – 1,600
 - v. Worker's Comp Bar – 1,600
 - vi. NESHAPS regulations admission – 900
6. The reasons above necessitate a 19,500 word limit.

Under penalty of perjury, the undersigned states the matters above are true and correct.

Dated: September 22, 2016


Robert G. McCoy
Attorney for Appellants